

See Previous Agendas and Minutes

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Tuesday, September 5, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), R. Hall, K. Holt, P. Kochenburger, P. Plante,

G. Zimmer

Members absent: B. Gardner, J. Goodwin, B. Ryan

Alternates present: C. Kusmer

Alternates absent: B. Pociask, V. Stearns

Staff present: G. Padick (Director of Planning) and C. Hirsch (Zoning Agent)

Chairman Favretti called the meeting to order at 7:46 p.m., appointing Kusmer to act due to member absence.

#### Minutes:

8/7/06-Hall MOVED, Holt seconded, to approve the Minutes of 8/7/06. MOTION PASSED with all members in favor, except Kochenburger who was disqualified.

8/23/06 (Field Trip)- Holt MOVED, Favretti seconded, to approve the Field Trip Minutes of 7/19/06. MOTION PASSED with Holt and Favretti in favor, all others disqualified.

#### Scheduled Business

#### Zoning Agent's Report

Items A and B were noted. Commission members had no comments.

#### C. Update on Hall site restoration, trailer removal activities

Hirsch notified the Commission that the site has improved slightly. Some of the remaining trailers have been removed.

#### D. Other

Commissioner Hall questioned the progress on the DeBoer property and the status of the restaurant at the corner of Bassetts Bridge Road and Route 195. Hirsch responded that no special permit application has been submitted for the DeBoer property, but he will check on the activity, and indicated that at this time the restaurant is still vacant despite rumors that the package store would expand into that space.

#### Other Old Business

#### 2. Bonding/Subdivision Issues:

K. Windswept Manor, File #1198

Padick read a 9/5/06 letter from Mark Mazzolla requesting issuance of Occupancy Permits for lot 4. Holt MOVED, Zimmer seconded, that the PZC modify its 3/17/03 approval of the Windswept Manor subdivision off of East Road to authorize the issuance of occupancy permits for the new house that has been built on lot 4. All other conditions of approval and bonding requirements shall remain in effect. MOTION PASSED UNANIMOUSLY.

A. Mulwood East, File #1225

B. Maintenance Bond, Maplewoods, Section 2, Max Felix Drive, File #974-3

C. Fencing/Landscaping Bone Mill Subdivision, File #1219

Holt MOVED, Zimmer seconded, to table Other Old Business Items A, B, and C. MOTION PASSED UNANIMOUSLY.

#### 9/5/06 Public Hearings

A. Proposed tree removal at 21 Summit Road, a Town designated Scenic Road; File #1010-2

Chairman Favretti opened the Public Hearing at 8:01 p.m. Members and alternates present were: Favretti, Hall, Holt, Kochenburger, Plante, Zimmer, and Kusmer. At this time, Padick read the legal notice as it appeared in the Chronicle, an 8/21/06 memo from L. Hultgren, Tree Warden and Director of Public Works, and an 8/22/06 memo from G. Padick, Director of Planning.

Padick informed the Commission that the Planning Office is in receipt of the notification to abutter cards. At this time there were no comments or questions from the Commission or the audience, Plante MOVED, Holt seconded, to close the Public Hearing at 8:05 p.m.

Hall MOVED, Plante seconded, that the PZC communicate to the Town Council that it has no objection to the proposed removal of a wild cherry tree adjacent to the driveway at 21 Summit Road. The proposed tree removal is not expected to alter the scenic character of Summit Road and therefore, no mitigation measures are deemed necessary. MOTION PASSED UNANIMOUSLY.

#### Other Old Business

2. Bonding/Subdivision Issues:

D. Thompson Gravel Permit bond File #912

After a brief discussion, Holt MOVED, Hall seconded, that the PZC authorize the Director of Planning to take appropriate action to release a \$5,000 cash bond plus interest that was posted in 1997 for the Thompson gravel removal operations at 706 Mansfield City Road. MOTION PASSED UNANIMOUSLY.

E. Aurora Estates, File #1231

Holt MOVED, Plante seconded, that the PZC authorize an extension of the completion period to November 1, 2006 for public improvements in the Aurora Estates Subdivision off of Bedlam Road. Furthermore, that the PZC modify condition 4 of it's 9/15/2005

approval of Aurora Estates to authorize the issuance of occupancy permits for new houses on lots 2 and 3, subject to completion of paving work on Jackson Lane. All other conditions of approval and bonding requirements shall remain in effect. MOTION PASSED UNANIMOUSLY.

F. Fellows Estates, File #1230

G. Baxter Road Estates, File #1229

I. Beacon Hill Estates, File#1214-2

Hall MOVED, Holt seconded, that the PZC authorize extensions of the completion periods to November 1, 2006 for the public improvements in the Fellows Estates, the Baxter Road Estates, and the Beacon Hill Estates subdivisions. All other bonding requirements shall remain in effect. MOTION PASSED UNANIMOUSLY.

#### 9/5/06 Other Public Hearings

B. Resubdivision Application, Gifford Estates, to create 2 new lots on Maple and Spring Hill Roads, Spring Valley LLC, applicant, File #1250

Chairman Favretti opened the continued Public Hearing at 8:15 p.m. Members and alternates present were: Favretti, Hall, Holt, Kochenburger, Plante, Zimmer, and Kusmer. At this time Director of Planning, Gregory Padick, disqualified himself. Zoning Enforcement Officer Hirsch, who took his place, noted an 8/15/06 memo from F. Raiola, Assistant Fire Marshal, an 8/29/06 memo from C. Hirsch, Zoning Enforcement Officer, and an 8/29/06 G. Meitzler, Assistant Town Engineer.

Mike Dilaj of Datum Engineering representing the applicant, was present this evening to answer any questions the Commission members have. Favretti questioned Dilaj on the comments that C. Hirsch had presented in his report. Dilaj indicated that he had addressed concerns raised by both Hirsch and Raiola, but indicated that he felt plantings along the border to prevent car headlights from shining into the neighbors was not an issue.

Michelle Barnett, abutter to the proposed house site, expressed concern with the car lights shining into her family room. She would like to see more screening along the stonewall between the two properties. Discussion took place about the amount and type of vegetation that is presently along the stonewall. Favretti didn't feel that a 5 foot tree buffer as proposed is enough to screen the headlights. It was suggested that an increase in the buffer width and the planting of deer-resistant evergreen trees might eliminate these worries. Dilaj stated that the turn in the driveway where the lights will be shining into the neighboring house is 120 feet away from the house, but he did express a willingness to increase the D.A.E., which he said would act as a buffer.

Eileen Emmons, another abutter, questioned why the house was closer to the property line than the septic is. Dilaj responded that typically a house is situated on the high side of a property, and the septic is on the low side.

With no further questions or comments, Holt MOVED, Hall seconded, to close the Public Hearing at 8:40 p.m. MOTION PASSED UNANIMOUSLY. Holt volunteered to draft a motion for the next meeting.

C. Special Permit application of the Town of Mansfield for proposed River Park improvements, Plains Road, File #1249

Chairman Favretti opened the continued Public Hearing at 8:41 p.m. Members and alternates present were: Favretti, Hall, Holt, Kochenburger, Plante, Zimmer, and Kusmer. At this time, Padick noted an 9/5/06 memo from F. Raiola, Assistant Fire Marshal and an 8/31/06 set of revised plans submitted by Kristin Schwab identifying changes that have been made from staff comments.

Representing the applicant, Town of Mansfield, was Jennifer Kaufman of Parks and Recreation, and Kristin Schwab, Landscape Architect. Extensive discussion was held regarding the requests in the memo from the Assistant Fire Marshal, that if implemented might jeopardize the project getting timely DEP approval. (Raiola had requested a wider boat launch and an emergency access gate or removable bollard.) Padick suggested a meeting with the Fire Marshal and involved parties, to work out a solution, and continuing the Public Hearing.

Holt MOVED, Zimmer seconded, to keep the Public Hearing open pending a letter from the applicant agreeing to grant the Commission a continuation of the Public Hearing. MOTION PASSED UNANIMOUSLY.

D. Special Permit Application, Proposed Efficiency Unit at 238 Maple Road, P. Peters, File #1248

Chairman Favretti opened the continued Public Hearing at 9:02 p.m. Members and alternates present were: Favretti, Hall, Holt, Kochenburger, Plante, Zimmer, and Kusmer. At this time, Padick noted an 8/26/06 memo from G. Padick, Director of Planning.

Padick informed the Commission that neighborhood notification cards have been received by this office. With no other comments or questions from the Commission and no one in the audience, Holt MOVED, Zimmer seconded, to close the Public Hearing at 9:04 p.m.. MOTION PASSED UNANIMOUSLY.

Kochenburger MOVED, Holt seconded, to approve with conditions the special permit application (File #1248), of P. Peters, for an efficiency apartment on property located at 238 Maple Road, in an RAR-90 zone, as submitted to the Commission and shown on an undated plot plan and floor plans, and other applicant submissions, and as presented at a Public Hearing on 8/7/06. This approval is granted because the application, as hereby approved, is considered to be in compliance with Article X, Section M, Article V, Section B, and other provisions of the Mansfield Zoning Regulation, and is granted with the following conditions:

1. This approval is granted for a one-bedroom efficiency unit in association with an existing single-family home having up to two additional bedrooms. Any increase in the

number of bedrooms on this property shall necessitate subsequent review and approval from Eastern Highlands Health District and the Planning and Zoning Commission;

2. This approval is conditioned upon continued compliance with Mansfield's zoning regulations for efficiency units, which include owner-occupancy requirements and limitations on the number of residents in an efficiency unit;

3. This special permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED UNANIMOUSLY.

#### Other Old Business

##### 2. Bonding/Subdivision Issues:

H. Wild Rose Estates, File #1113-2 and #1113-3

After a brief discussion, Hall MOVED, Holt seconded, that the PZC authorize extensions of the completion periods to November 1, 2006 for public improvements in both section 1 and section 2A of the Wild Rose Estates Subdivision off of Mansfield City Road.

Furthermore, that the PZC modify condition 4 of its 10/4/05 approval of Wild Rose Estates Section 2A to authorize the issuance of occupancy permits for a maximum of two lots, subject to Zoning Agent verification that safe access to the subject lots have been established. All other conditions of approval and bonding requirements shall remain in effect. MOTION PASSED UNANIMOUSLY.

J. Pine Grove Estates, File #1187-2

Item tabled.

L. McFarland Acres, File #877-3

Item tabled.

3. Special Permit Application, Proposed E.O. Smith High School classrooms at 85 Depot Road,

Regional School District #19 applicant, File #1251

Item tabled due to Public Hearing Scheduled for 9/18/06.

4. Presentation by the Green Valley Institute on Open Space Subdivisions

Item tabled due to a tentatively scheduled presentation on 11/6/06.

5. Potential Revisions to PZC/IWA Fee schedule

Item tabled-awaiting staff report.

6. Other

A reminder that the Field Trip is set for 9/12/06.

#### New Business

##### Proposed Referendum Resolution

Padick noted that no action can be taken at tonight's PZC meeting because the PZC has to wait for an official referral from the Town Council. Item is tabled.

UConn Water System issues

Padick noted that representatives from UConn will be coming to the October 3rd meeting, and noted that this will be first on the agenda that evening.

8-24 referral, potential open space acquisition of Puddin Lane

A brief discussion was held. Plante felt that land is getting too expensive to buy, and if there is too much open space, it would make the cost of land go up. Zimmer thought that Mansfield's mix of low and high density should make prices more reasonable. With no further discussion, Holt MOVED, Hall seconded, that the Planning and Zoning Commission notify the Town Council that the proposed acquisition of all or part of the Meadowbrook Lane LLC (Guarnaccia) property on Puddin Lane would promote numerous Plan of Conservation and Development open space and recreational goals and objectives, and is supported by the Planning and Zoning Commission. MOTION PASSED, with all in favor except Plante who abstained.

P.A. 06-80 Notice Requirements/Registry

Padick discussed with the Commission the new requirements, and updated them on the Planning Office's responsibilities to accommodate the requirements.

#### Reports of Officers and Committees

There was no report from the PZC Chairman or Regional Planning Commission Representatives and note was made that the next meeting for the Regulatory Review Committee is scheduled for Tuesday, September 26, 2006 at 2:00 p.m.

#### Communications and Bills

- The agenda items were noted, and a brief discussion was held.
- Padick brought to the attention of the Commission Item #1, and gave a brief overview of what applications have been processed.
- Padick briefly discussed Item #9, and mentioned that Region 19 applied to the ZBA for a variance for parking in a RAR-90 zone.

#### Adjournment

Favretti declared the meeting adjourned at 9:36 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary